

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION
5 TO DEVELOP MODEL POLICIES REGARDING THE PROVISION OF APPLIED BEHAVIOR ANALYSIS
6 SERVICES TO PUPILS WITH AN INDIVIDUALIZED EDUCATION PLAN OR SECTION 504 PLAN
7 REQUIRING THOSE SERVICES; PROVIDING DEFINITIONS; AND PROVIDING AN EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Applied behavior analysis services.** (1) The superintendent of public
12 instruction shall develop and maintain model school district policies and procedures for the provision of applied
13 behavior analysis services for a pupil who has an individualized education plan or plan pursuant to section 504
14 of the Rehabilitation Act of 1973 and who requires applied behavior analysis services as part of that plan.

15 (2) Any model policies and procedures developed under this section may address the following
16 topics:

17 (a) determining the need for and appropriateness of providing applied behavior analysis services to a
18 pupil who is in need of these services;

19 (b) considerations for school district boards of trustees regarding the management and monitoring of
20 licensed behavior analysts who contract with the district to provide applied behavior analysis services in the
21 district;

22 (c) the financial responsibilities related to contracting with licensed behavior analysts to provide
23 applied behavior analysis services in the district; and

24 (d) developing model agreements for use between the district, the licensed behavior analyst, and
25 families to provide applied behavior analysis services for a pupil.

26 (3) For the purposes of this section, the following definitions apply:

27 (a) "Applied behavior analysis services" means the design, implementation, and evaluation of
28 environmental modifications, including the use of direct observation, measurement, and assessment of the

1 relationship between the environment and behavior, to produce socially significant improvement in human
2 behavior.

3 (b) "Licensed behavior analyst" means a board-certified behavior analyst or a board-certified assistant
4 behavior analyst who is licensed pursuant to 37-17-403.

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6 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
7 integral part of Title 20, chapter 7, part 4, and the provisions of Title 20, chapter 7, part 4, apply to [section 1].

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9 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2021.

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